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EXAMINER

NGUYEN, DUSTIN

ART UNIT PAPER NUMBER

2154

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,371

Applicant(s)

KIMCHI ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-67 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 67 are presented for examination.

Specification

2. The disclosure is objected to because of the following informalities: spelling error on page 22, line 20, “communi9cations”.

Appropriate correction is required.

3. Examiner requests Applicants to update status of any co-pending cases as disclosed in the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 57, 61 and 65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language of “at least two” in claims 57, 61 and 65 are not clearly understood.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 7-13, 15-25, 27, 28, 56-58, 60, 61, 63-65, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. [US Patent No 6,363,065], in view of Jorgensen [US Patent No 6,680,922].

8. As per claim 1, Thornton discloses the invention substantially as claimed including a communication protocol, said protocol enabling a plurality of communication functions between one or more end user devices and a network connected subscriber server system, said subscriber server system comprising one or more servers, said one or more servers located locally or distributed across said network, said protocol comprising:

a plurality of first communication function transactional verbs [col 18, lines 39-47], said plurality of first communication function transactional verbs comprising requests from said one or more end user devices to said subscriber server system [Figure 11; and col 41, lines 33-51], said first verbs requesting any of, or a combination of: a change of a state in said server system, a search for data available to said server system, or a server action [i.e. request register] [col 32, lines 31-32 and lines 38-42];

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a plurality of second communication function transactional verbs, said second communication function transactional verbs comprising replies from said subscriber server system and said one or more end user devices comprising a combination of said first transactional verbs and any of: verb wait, verb accept, verb redirect or verb reject [i.e. reject, confirm] [Figure 11; col 18, lines 39-48; and col 32, lines 33-37 and lines 42-45];

said first, second and third communication function transactional verbs operatively concatenated to provide multiple transaction groupings [i.e. encapsulate] [col 24, lines 61-64; and col 28, lines 9-24], said groupings providing a communication function between said end user device and said server [Figure 11], and

said multiple transaction groupings comprising two or more of: presence, policy, calling functions, address book or messaging functions [col 39, lines 10-14; and col 41, lines 33-51].

Thornton does not specifically disclose

a plurality of third communication function transactional verbs, said plurality of third communication function transactional verbs comprising parameters for said transactions.

Jorgensen discloses

a plurality of third communication function transactional verbs, said plurality of third communication function transactional verbs comprising parameters for said transactions [Abstract; and col 3, lines 61-63].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Thornton and Jorgensen because Jorgensen's teaching of parameters would provide QOS for various types of traffic to be transported and to ensure end user satisfaction [col 2, lines 65-67].

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9. As per claim 2, Thornton discloses wherein said presence transactional group verbs comprise any of: online, keep alive or offline [col 32, lines 37-42].

10. As per claim 3, Thornton discloses wherein said calling transactional group verbs comprise any of: call, call answer, call started, call terminate, or call ended [Figure 11].

11. As per claim 7, Thornton discloses wherein said messaging transactional group verbs comprise any of: message available, message get, or message send [col 32, lines 64-67].

12. As per claim 8, Thornton discloses wherein said messaging transactions comprise any of: IM, e-mail, and voice mail [Abstract; and col 39, lines 60-62].

13. As per claim 9, Thornton discloses wherein said policy transactions comprise any of: list of policies, active policy, and policy change (select) [col 41, lines 36-42].

14. As per claim 10, Thornton discloses wherein said protocol further comprises a transport layer comprising any of: HTTP, TCP, UDP, SSL, IPSEC, XML and TLS [col 24, lines 43-67].

15. As per claim 11, Thornton does not specifically disclose wherein said HTTP, TCP, SSL, and TLS protocols provide transparency for said multiple transaction groupings to any of: firewalls, NAT, and proxy servers. Jorgensen discloses wherein said HTTP, TCP, SSL, and

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TLS protocols provide transparency for said multiple transaction groupings to any of: firewalls, NAT, and proxy servers [col 78, lines 40-51; and col 80, lines 22-28]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Thornton and Jorgensen because Jorgensen's teaching would allow to protect information for security purposes.

16. As per claim 12, Jorgensen discloses wherein said transactions use HTTP security including SSL/TLS for transport level encryption [Figure 17; and col 46, lines 8-32].

17. As per claim 13, Thornton discloses wherein said network comprises the Internet and said multiple transaction groupings comprise Internet communication functions [Figure 1; and col 2, lines 60-64].

18. As per claim 15, Thornton discloses wherein H.323, SIP, RTP, or H248 requirements are used for call function signaling [Figure 11; and col 41, lines 29-32].

19. As per claim 16, Thornton discloses wherein said subscriber server(s) support all of said multiple transaction groupings and said end user device(s) support at least said presence group [col 39, lines 6-14].

20. As per claim 17, Thornton discloses wherein said subscriber server identifies the specific transaction groupings said end user device supports [col 5, lines 29-64].

21. As per claim 18, Thornton discloses wherein said verbs in said calling transaction group further comprise quality of service (QoS) tokens [i.e. TASQ] [col 53, lines 51-67].

22. As per claim 19, Thornton discloses wherein said quality of service (QoS) tokens comprise parameters taken from any of, or a combination of: codecs, packet-loss values, jitter values, delay values, and mean opinion scores [col 3, lines 34-37].

23. As per claim 20, Thornton discloses wherein said quality of service (QoS) tokens are averaged over calling time [col 26, lines 4-55].

24. As per claim 21, Thornton does not specifically disclose wherein said first transactional verbs comprise at least a set of generic verb header fields including at least a generic verb request comprising at least: transaction ID, alias, location, session ID, and tokens. Jorgensen discloses wherein said first transactional verbs comprise at least a set of generic verb header fields including at least a generic verb request comprising at least: transaction ID, alias, location, session ID, and tokens [Figure 7]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Thornton and Jorgensen because Jorgensen's teaching would allow to maintain the integrity of information.

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25. As per claim 22, Jorgensen discloses wherein said first and second transaction verbs comprise generic verb header fields and generic verb accept header field respectively [Figures 12A-O].

26. As per claim 23, Jorgensen discloses wherein said generic verb accept header field comprises at least: transaction ID, reason transaction is being accepted, reason text, client wait time for refresh, and tokens [Figures 12A-O].

27. As per claim 23, Thornton discloses wherein said transactional verbs include at least one of a request verb transaction or an accept reply transaction verb [col 32, lines 49-50].

28. As per claim 25, they are rejected for similar reasons as stated above in claims 21-23.

29. As per claim 27, Thornton does not specifically disclose wherein said transactional verbs further comprise error codes. Jorgensen discloses wherein said transactional verbs further comprise error codes [i.e. CRC] [Figure 12D]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Thornton and Jorgensen because Jorgensen's teaching of error codes would allow prevent data corruption in a communication network.

30. As per claim 28, Jorgensen discloses wherein said concatenation follows a pattern of: request-first communication function transactional verbs plus third communication function

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transactional verbs and reply-first communication function transactional verbs plus second communication function transactional verbs plus third communication function transactional verbs [Figures 12A-O].

31. As per claims 56 and 57, they are rejected for similar reasons as stated above in claim 1.

32. As per claim 58, it is rejected for similar reasons as stated above in claim 10.

33. As per claim 60, it is rejected for similar reasons as stated above in claims 1 and 13.

34. As per claim 61, it is rejected for similar reasons as stated above in claim 1.

35. As per claim 63, it is rejected for similar reasons as stated above in claim 10.

36. As per claims 64 and 65, they are rejected for similar reasons as stated above in claim 1.

37. As per claim 67, it is rejected for similar reasons as stated above in claim 1.

38. Claims 4-6, 29-41, 43-53, 55, 59, 62 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. [US Patent No 6,363,065], in view of Jorgensen [US Patent No 6,680,922], and further in view Aravamudan of et al. [US Patent No 6,301,609].

39. As per claim 4, Thornton and Jorgensen do not specifically disclose wherein said address book comprises at least a buddy list and said address book transactional group verbs comprise any of: buddy list add, buddy list modify, buddy list remove, buddy list modify all, buddy list status, or buddy list status all. Aravamudan discloses wherein said address book comprises at least a buddy list and said address book transactional group verbs comprise any of: buddy list add, buddy list modify, buddy list remove, buddy list modify all, buddy list status, or buddy list status all [i.e. assign] [col 1, lines 42-49]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Thornton, Jorgensen and Aravamudan because Aravamudan's teaching would provide an unified messaging solution and services platform to locate a registered user, query the user for a proposed message disposition and coordinate services among plurality of communication devices [Aravamudan, col 2, lines 25-30].

40. As per claim 5, Aravamudan discloses wherein said subscriber server maintains a master replica of said buddy list [col 7, lines 13-20] and pushes updated lists to said end user devices [col 7, lines 37-40].

41. As per claim 6, Aravamudan discloses wherein said buddy lists located at said end user device and subscriber server are synchronized by either cookies or calculation and comparison of a buddy list hash value [col 7, lines 41-lines 4].

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42. As per claim 29, it is rejected for similar reasons as stated above in claims 1-5, 7-9.
43. As per claims 30 and 31, they are rejected for similar reasons as stated above in claims 2, 3.
44. As per claims 32 and 33, they are rejected for similar reasons as stated above in claims 7 and 8.
45. As per claim 34, it is rejected for similar reasons as stated above in claim 4.
46. As per claim 35, it is rejected for similar reasons as stated above in claim 9.
47. As per claims 36 and 37, they are rejected for similar reasons as stated above in claims 5 and 6.
48. As per claims 38-41, they are rejected for similar reasons as stated above in claims 10-13.
49. As per claims 43-53, they are rejected for similar reasons as stated above in claims 15-25.
50. As per claim 55, it is rejected for similar reasons as stated above in claim 27.
51. As per claim 59, it is rejected for similar reasons as stated above in claim 29.

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52. As per claim 62, it is rejected for similar reasons as stated above in claim 29.

53. As per claim 66, it is rejected for similar reasons as stated above in claim 29.

54. Claims 14 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. [US Patent No 6,363,065], in view of Jorgensen [US Patent No 6,680,922], and further in view of Xu et al. [US Patent No 6,738,390].

55. As per claim 14, Thornton and Jorgensen do not specifically disclose wherein said Internet communication functions adhere to the Internet Phone Lite specifications. Xu discloses wherein said Internet communication functions adhere to the Internet Phone Lite specifications [Abstract; and col 1, lines 56-63]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Thornton, Jorgensen and Xu because Xu's teaching would allow to integrate devices from different standards so that communication can be performed in a more efficient manner.

56. As per claim 42, it is rejected for similar reasons as stated above in claim 14.

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57. Claims 26 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. [US Patent No 6,363,065], in view of Jorgensen [US Patent No 6,680,922], and further in view of Schuster et al. [US Patent No 6,731,630].

58. As per claim 26, Thornton and Jorgensen do not specifically disclose wherein said end user device resolves a connecting server DNS name to an IP address. Schuster discloses wherein said end user device resolves a connecting server DNS name to an IP address [col 18, lines 16-17]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Thornton, Jorgensen and Schuster because Schuster's teaching would allow devices to communicate with each other efficiently regardless of the type of network.

59. As per claim 54, it is rejected for similar reasons as stated above in claim 26.

60. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P. 710.02, 710.02(b)).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on flex.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100